

REMARKS/ARGUMENTS

I. Status of Claims

Claims 1-26 are pending of which claims 1, 6, and 18 are independent. Claim 1 has been amended.

II. Rejection under 35 U.S.C § 112, second paragraph

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner points out, that un-amended claim 1 recites “the second key is used for performing non-communication functions”, while, according to the Examiner, these switches of the second keypad “must perform some type of communication by inherency to send command signal to the controller in order for the device to operate as disclosed”. Therefore, as the Examiner contends, the term “non-communication” is vague “as it does not specify what type of communication not performed by the second keypad (wireless or wired communication?)”. We propose to traverse the rejection with the reasons stated below.

The Examiner’s contention is carefully considered. However, Applicants respectfully submit that the contention is misplaced. Specifically, un-amended claim 1 recites “the second key is used for performing non-communication functions”. However, un-amended claim 1 does not recite “the second key is used only for performing non-communication functions”.

Hence, even if the Examiner’s interpretation of “communication”, which encompasses the switches of the second key sending command signal to the controller, is taken as reasonable, which it may not be, there is nothing inherently inconsistent with regard to the recitation “the second key is used for performing non-communication functions”. This is because the recitation **does not preclude** the

scenario where the second key may perform both communication functions and non-communication functions. Accordingly, the rejection of claims 1-5 should be withdrawn.

Having stated above, to better clarify the subject matter recited in claim 1, Applicant has chosen to amend claim 1, which now recites, in relevant part, “the second keypad is used as manipulation keys to perform multimedia function”. In particular, this quoted recitation does not impose any limitation as to whether “multimedia functions” may incidentally involve communication functions or non-communication functions. Accordingly, the Examiner’s contention is now moot, and the rejection of claims 1-5 should also be withdrawn in view of the amendment to claim 1.

III. Rejections under 35 U.S.C. §103 (a)

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukahara et al. (U.S. Patent No. 6,295,088—hereinafter Tsukahara) in view of Armstrong (U.S. Patent No. 6,347,997—hereinafter Armstrong). Applicants respectfully traverse the rejection.

Claim 1 recites a bar-type wireless communication terminal comprising:

“a lower body having a camera lens unit arranged in its one side, a first keypad arranged in its front side and a second keypad arranged in its rear side; and

an upper body having a display device disposed in its front side, said upper body being coupled to an upper end of the lower body in such a manner that the upper body is allowed to rotate in a twisted direction with respect to a rotation axis extending in a longitudinal direction of the lower body;

wherein:

the first keypad is used to **perform wireless voice and data communication functions** when the upper body is not

rotated so that the first keypad and the display device are both disposed in the same side; and

the second keypad is used as **manipulation keys to perform multimedia functions** when the upper body is rotated approximately 180° with respect to the rotation axis such that the second keypad and the display device are both disposed in the same side." (emphasis added).

Tsukahara discloses **an electronic camera** having a device main body and a display main body wherein the device main body and the display main body are rotatable relative to each other. However, the electronic camera that Tsukahara discloses is categorically different from the bar-type wireless communication terminal recited in claim 1. This is because the electronic camera disclosed in Tsukahara is merely a camera that cannot perform **wireless voice and data communication functions**; whereas the bar-type wireless communication terminal recited in claim 1 is a **multi-purpose** device that can perform not only **wireless voice and data communication functions**, but also **multimedia functions**.

Hence, Tsukahara does not disclose, teach, or suggest the subject matter of "the first keypad is used to perform wireless voice and data communication functions when the upper body is not rotated so that the first keypad and the display device are both disposed in the same side", as recited in claim 1.

Further, Tsukahara also does not disclose, teach, or suggest the subject matter of "the second keypad is used as manipulation keys to perform multimedia functions when the upper body is rotated approximately 180° with respect to the rotation axis such that the second keypad and the display device are both disposed in the same side", as recited in claim 1 (hereinafter referred to as "the second keypad subject matter").

The Examiner argues that the combination of Tsukahara and Armstrong will arrive at the second keypad subject matter. Specifically, in the “Response to Arguments” section of the final Office Action, the Examiner appears to argue that:

- 1) Tsukahara teaches that the upper body is rotated approximately 180° with respect to the rotation axis;
- 2) Armstrong teaches an additional button on the rear surface of the body to provide user convenience for operating the apparatus using either the same button on the front surface or the rear surface;
- 3) taking combined teaching of Tsukahara and Armstrong, the camera in Tsukahara would be modified to include additional shutter release button 114 and/or zoom buttons 19 and 20 (Fig. 7 of Tsukahara) on the rear surface of the low body 2 of the camera of Tsukahara so as to provide user convenience for capturing images while holding the camera over his/hear head with the display on the upper rotated downward such that it is located on the same side with the buttons;
- 4) it is also noted that shutter release button and/or zoom buttons are non-communications buttons as they do not perform any wireless communication.

The Examiner’s arguments have been carefully considered but nonetheless are misplaced for the reasons stated below. As discussed above, the bar-type wireless terminal as claimed is a multi-purpose device that performs not only **wireless voice and data communication functions**, but also **multimedia functions**. As recited in claim 1, the second keypad is used as manipulation keys to perform multimedia functions when the upper body is rotated approximately 180° with respect to the rotation axis such that the second keypad and the display device are both disposed in the same side. However, multimedia functions are functions different from wireless

voice and data communication functions which the first keypad is used to perform. Hence, claim 1 contains **the limitation** (hereinafter “the Limitation”) that when the upper body is rotated 180° so that the second keypad is disposed on the same side of the display device, the second keypad is used to perform functions that are **different from functions which the first keypad is used to perform.**

However, the combination of Tsukahara and Armstrong that the Examiner proposes does not disclose, teach, or suggest that Limitation of claim 1. This is because when disposed on the same side of the display screen, the shutter release button 114 and/or zoom buttons 19 and 20 added onto the rear surface of main body 2 (which supposedly correspond to keys of the second keypad recited in claim 1) are nonetheless used to perform **the SAME camera functions of capturing images**, rather than perform functions that are different from functions which the shutter release button 114 and/or zoom buttons 19 and 20 disposed on the front surface of main body 2 (which supposedly correspond to keys of the first keypad recited in claim 1) are used to perform.

In other words, because the shutter release button 114 and/or zoom buttons 19 and 20 added on the rear surface does not perform functions that are different from the same camera function performed by the same buttons on the front surface, the Examiner’s proposed combination of Tsukahara and Armstrong simply does not disclose, teach or suggest the Limitation of claim 1.

The Examiner contended that “it is also noted that shutter release button and/or zoom buttons are non-communications buttons as they do not perform any wireless communication”. Even without regard to the amendments to claim 1, this contention of the Examiner’s is still misplaced. The issue is NOT whether the camera functions, which the shutter release button and/or zoom buttons are used to perform, are non-communication functions. Rather, the issue is whether when Tsukahara and Armstrong are combined, will a person of ordinary skill arrive at a device that has the **first keypad** used to perform **wireless voice and data communications** when the

upper body is not rotated and has the second keypad will be used to perform **multimedia functions** when the upper body is rotated 180° so that the second keypad is disposed on the same side of the display device.

However, this contention of the Examiner is made apparently without regard to the limitation that the claimed apparatus has both the first keypad used to perform wireless voice and data communications and the second keypad used to perform multimedia functions when disposed on the same side of the display through rotation of the upper body. But when the limitation with respect to the first keypad is also taken in consideration, the Examiner's contention is not adequate in arguing that claim 1 read on the Examiner's proposed combination of Tsukahara and Armstrong.

Putting it another way, Tsukahara and Armstrong, even if combined, **cannot possibly arrive at a device having BOTH the claimed features with respect to the first keypad AND the claimed features with respect to the second keypad**, that is, a device wherein "the first keypad is used to perform **wireless voice and data communication functions** when the upper body is not rotated so that the first keypad and the display device are both disposed in the same side" AND "the second keypad is used as manipulation keys to **perform multimedia functions** when the upper body is rotated approximately 180° with respect to the rotation axis such that the second keypad and the display device are both disposed in the same side", both of which are recited in claim 1.

Accordingly, claim 1 is allowable over the combination of Tsukahara and Armstrong, and the rejection of claim 1 should be withdrawn.

The rejection of claims 2-5 should be withdrawn by virtue of their dependency of allowable claim 1.

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IV. Conclusion

In view of the above, it is believed that this application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Should any/additional fees be required, the Director is hereby authorized to charge the fees to Deposit Account No. 18-2220.

Respectfully submitted,



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